United Nations S/2012/591

Security Council

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Letter dated 26 July 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

With reference to my letter dated 25 May 2012 (S/2012/366) and my letter dated 4 June 2012 (S/2012/393), pertaining to the map issued by the Chair of the African Union High-level Implementation Panel, Thabo Mbeki, I have further the honour to illustrate that the position of the Government of the Sudan on the aforementioned map is as follows:

> The whole map of the African Union High-level Implementation Panel is accepted with one exception in the international border-line, and that is the portion regarding the area of 14 miles south of Bahr el Arab.

We thought it useful to clarify this point for all the members of the Security Council to avoid qualifying the position of the Government of the Sudan on the said map as total rejection of the map.

I have further the honour to annex documentation including all our justifications regarding our position pertaining to the area known as 14 miles south of Bahr el Arab (see annex).

While conveying this information, I would highly appreciate if the present letter and its annex would be circulated as documents of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

12-45284 (E) 220812

Please recycle

Annex to the letter dated 26 July 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Sudan's position on the centre line maps of the African Union High-level Implementation Panel for a safe demilitarized border zone between the Sudan and South Sudan

Background

- The Sudan and South Sudan, on 29 June 2011, signed the "Agreement on Border Security and Joint Political and Security Mechanism", which stipulated at that time that the 1 January 1956 Administrative Border would be the internationally recognized border between the two countries.
- The Agreement on Border Monitoring Support Force was signed by the two countries on 30 July of the same year.
- The first meeting to mark the start of implementation of the two Agreements took place in Khartoum on 18 September 2011. The South Sudan delegation refused to endorse the 1 January 1956 Administrative Map delineating the border between the two countries as the basis for establishing the agreed-upon safe demilitarized border zone (SDBZ).
- President Thabo Mbeki, Chair of the African Union High-level Implementation Panel, delivered to the Sudan, on 14 November 2011, a border delineation map proposal that could be used as the basis for the safe demilitarized border zone.
- On 17 November 2011, the Sudan expressed, via official correspondence signed by the Minister of the Presidency, its refusal of the African Union High-level Implementation Panel AUHIP proposal (see enclosure 1).
- The Sudan again reiterated on 2 June 2012 its rejection of the border map proposed by the African Union High-level Implementation Panel in an aide-memoire, in reply to the explanatory aide-memoire received from the African Union High-level Implementation Panel (see enclosure 2).
- An exchange of correspondence followed, between the Sudan and the African Union High-level Implementation Panel, further confirming the Sudan's rejection of the border delineation map proposed by the African Union High-level Implementation Panel (see enclosures 3 and 4).

Sudan's justifications for rejecting the border delineation map proposed by the African Union High-level Implementation Panel

1. Prior to the referendum on self-determination of South Sudan, the Government of the Sudan called, well in advance, for the demarcation of the border between the two countries, to avoid contention in the eventuality of separation. The Sudan People's Liberation Movement (SPLM), with the backing of some parts of the international community, insisted that the referendum take place on the designated date, and deferred all outstanding issues, including that of border demarcation, to be resolved at a later date. The result of this intransigence is now a matter of common knowledge. It is regrettable to repeat this same scenario by insisting on establishing the safe demilitarized border zone upon the map proposed by the African Union

High-level Implementation Panel, with the full cognizance that this proposed map is not based upon any prior established historical reference or maps, which would be the only two means acknowledged internationally. The consequences of this mistake will be very serious indeed.

2. The 14 mile region south of Bahr el Arab, an area which lies well within the 1 January 1956 border inside the Sudan, is an important grazing area for the Rizeigat tribes during the summer months, and the waters of the Bahr el Arab River are a vital resource for the tribes of South Kordofan. Within this context, the annexation of this area to South Sudan violates recognized principles of international boundaries regarding the succession of states (uti possidetis juris), which will threaten the social fabric in the region and result in tribal warfare, as is the case presently in the Abyei region.

3. It is untenable to maintain that the map proposed by the African Union High-level Implementation Panel encompasses the safe demilitarized border zone only, and that it will in no way affect the final outcome. The Sudan categorically refutes this claim, as it has become abundantly clear that the Government of South Sudan insists on referring all border disputes to international arbitration upon the expiry of the United Nations resolution deadline (in less than 20 days). It is obvious that if the Sudan were to accept the proposed map, this would weaken its position in the eventuality of recourse to international arbitration, which is, clearly, the intention of the Government of South Sudan.

4. The map proposed by the African Union High-level Implementation Panel could have served the stated purpose of delineating only the safe demilitarized border zone, and would have been acceptable, had the track record of the Government of South Sudan demonstrated reason, wisdom and logic in its attitude towards the Sudan. However, the issuance by South Sudan in March 2012 of its own version of the border between the two countries in a map based upon no precedent, historical or otherwise, further reiterates this negative attitude. Another example cited, in this regard, is the declaration of 9 July by the Governor of western Bahr el Ghazal State that his country would never cede a single inch of disputed territories to the Sudan.

5. Of particular concern to the Sudan is the justification put forth by the secretariat of the African Union High-level Implementation Panel regarding their proposed map, which is that the 14 mile region south of Bahr el Arab, an area which lies well within the 1 January 1956 border inside the Sudan, was forcibly occupied by South Sudan, thus establishing what they referred to, in a minuted meeting in Addis Ababa, as "a status quo reality". This was the logic the African Union High-level Implementation Panel used to include the 14 mile region south of Bahr el Arab within South Sudan in the proposed border map, a reasoning which is to be rejected, and cannot emanate from a body observing international law. This precedent could open the door to further seizure of the Sudan's territory illegally occupied by South Sudan, and possible future illegal invasion of new territories inside the Sudan's sovereign borders. The occupation by South Sudan of parts of the Sudan is de facto proof that an invasion of the Sudan took place; invasion itself being an internationally acknowledged act of aggression against a sovereign State, rejected and denounced by international law and in the Charter of the United Nations, the raison d'être of which is the absolute prohibition of aggression.

6. The flawed map proposed by the unqualified, to say the least, secretariat of the African Union High-level Implementation Panel, violates all known maps from 1924 to date, and must be rejected also for the following technical reasons:

- The Bahr el Arab River does not feature in this map, despite being a prominent natural feature that clearly defines the area.
- The date and place of issue of the map in question are unstated.
- The coordinates in the map are absent.
- There is no mention of the official authorizing body of the map.
- The two concerned parties were not involved in the technical preparation of the map.
- The authority that prepared the map is not specified.
- The reference maps used in the preparation of the boundary line in the proposed map were not specified.
- There is no mention of any of the reservations anywhere on the boundary drawn in the map.

The way forward

1. The African Union High-level Implementation Panel should admit and rectify the error, with the full backing of the international community, in the interest of sustainable peace between the two parties, and not push the Sudan to accept a defective map devoid of historical evidence or reference.

2. Endorsing the 1 January 1956 border between the two countries, as stipulated in the safe demilitarized border zone agreement signed between them on 29 June 2011 (para. 2), and the Agreement of 30 July 2011 (para. 3), based upon the following grounds:

- The 1 January 1956 border was agreed to by the two parties in the final report of the joint technical ad hoc boundary committee (28 January 2010).
- This agreed-upon map was itself the basis upon which the Sudan recognized the Republic of South Sudan on 8 July 2011 (see enclosure 5), and was used to establish the authority of the Government of South Sudan since 2005. It was also used for the purpose of implementing the presidential and legislative elections, and the referendum on self-determination for South Sudan. This map has been the reference in all the operations of the United Nations in Sudan, and was used by the United Nations Mission in Sudan (UNMIS), the United Nations Mission in South Sudan (UNMISS), and the African Union-United Nations Hybrid Operation in Darfur (UNAMID) (see enclosure 6).
- Endorsing and implementing the 1 January 1956 agreed-upon, historically established, and internationally recognized border map (see enclosure 7), will bolster peace and security between the two countries, and remove future misunderstandings or tensions that could further erode relations between the Sudan and South Sudan.

Enclosure 1

Letter dated 17 November 2011 from the Minister of the Presidency of the Sudan addressed to the Chair of the African Union High-level Implementation Panel

We would like to thank you for your continuing efforts to enhance the Joint Political and Security Mechanism (JPSM) in carrying out its mandate. We therefore acknowledge receipt of your map entitled "The centre line of the temporary safe demilitarized border zone between the Republic of the Sudan and the Republic of South Sudan portraying a 10 km buffer zone".

After having carefully examined the map you have submitted, we would like to make the following remarks:

1. We are quite astonished to note that the fifth contested area, brought forward by the Joint Political Committee (the area known as the 14 miles south of Bahr el Arab) is shown on the map provided as belonging to the Republic of South Sudan.

2. We reaffirm the basic principle that the agreed border-line is that of 1 January 1956 between Northern and Southern states as clearly stated in the Comprehensive Peace Agreement (CPA) signed on 9 January 2005, and later reconfirmed by the Declaration of Recognition of the Republic of South Sudan (see enclosure 5) and by the 29 June 2011 and 30 July 2011 agreements in Addis Ababa.

3. The Ceasefire Joint Military Committee (CJMC), chaired by the force commander of UNMIS, which had emanated from the Comprehensive Peace Agreement (CPA) under the political leadership of the Ceasefire Political Commission (CPC), had collectively recognized the basic principle already mentioned in paragraph (2) of the present letter. Consequently the Ceasefire Joint Military Committee worked through the six-year interim period according to that principle; in other words, the recognized boundary line is the line, as it stands, when the two parties to the Comprehensive Peace Agreement signed on 9 January 2005, including the area extending 14 miles south of Bahr el Arab.

We remain confident that you will give due attention to our remarks mentioned above for further consideration of the border-line shown in the map you have submitted to us.

(*Signed*) First Ltd. Gen. (RTD)
Bakri Hassan **Salih**
Minister of the Presidency

Enclosure 2

Response dated 2 June 2012 of the Government of the Sudan to the explanatory note on the centre line map for the safe demilitarized border zone of 1 June 2012

1. Immediately upon receipt of the administrative and security map produced by the African Union High-level Implementation Panel, the Government of the Sudan submitted, on its part, the map based on the 1 January 1956 border criteria to the African Union High-level Implementation Panel, which included the agreed and disputed areas in the border-line with signatures duly entered by the representatives of the two parties (the Government of the Sudan and the Government of South Sudan). The Government of the Sudan would like to recall that the explanatory note (see attached) failed to mention article 7 of the communiqué from the Peace and Security Council of the African Union on the inviolability of the borders, which defined the borders between the two countries as that "existing at the time of Sudan's independence on 1 January 1956, taking into account the disputed areas as agreed in the declaration of the Technical Ad Hoc Boundary Committee". This clear reference to the 1 January 1956 border's criterion, which was based on the Comprehensive Peace Agreement (CPA), was the main legal basis for both the referendum and the recognition text by the Republic of the Sudan regarding the Republic of South Sudan (see enclosure 5). This criterion was also the basis for the monitoring of the ceasefire by the United Nations Mission in the Sudan (UNMIS) during the interim period.

2. The map also contradicts the communiqué of the Peace and Security Council of 24 April 2012 (para. 12 (b)), and Security Council resolution 2046 (2012), both of which make reference to the 30 July 2011 agreement, which determined, in article 3, the centre line for the safe demilitarized border zone as that of the 1 January 1956 border-line. Furthermore, it is important to affirm that both the agreements on Border Security and the Joint Political and Security Mechanism of 29 June 2011, and on the Demarcation of the Boundary, dated 13 March 2012, clearly stipulate the North/South 1 January 1956 border-line to be the reference for establishment of the safe demilitarized border zone and the border-line demarcation (articles 2 and 2 (1), respectively).

3. With regard to the safe demilitarized border zone, the depiction of the zone failed to adopt the 1 January 1956 criterion and thereby depicted the disputed area known as the 14 miles south of Bahr el Arab as part of South Sudan, a determination that has no legal basis. The Government of the Sudan has responded to the African Union High-level Implementation Panel, via its letter of 17 November 2011, affirming the basic principle that the agreed border-line is that of 1 January 1956 (see enclosure 1).

4. While the Government of the Sudan does not accept the November map as defining the centre line, it agrees that the centre line for the safe demilitarized border zone (1 January 1956 border-line) shall be without prejudice to the ongoing negotiations on the five disputed areas.

5. The Government of the Sudan stresses that the sole criterion for determining the central line should be the 1 January 1956 border-line .

Attachment to enclosure 2

African Union High-level Implementation Panel
Explanatory note dated 1 June 2012 on the centre line map for the safe demilitarized border zone

1. The African Union Peace and Security Council (PSC) communiqué of 24 April 2012, reaffirmed by the Security Council in its resolution 2046 (2012) of 2 May 2012, under Chapter VII, prescribes a road map for implementation by the two States, which makes reference to the administrative and security map produced by the African Union High-level Implementation Panel and submitted to the President of the Sudan and the President of the Republic of South Sudan on 9 November 2011, under cover of a note verbale.

2. The November 2011 map depicted the determination by the African Union High-level Implementation Panel of the safe demilitarized border zone (SDBZ). The depiction of the centre line permits the clear definition of the area of responsibility (AOR) of the Joint Border Verification and Monitoring Mechanism (JBVMM). Accordingly, the safe demilitarized border zone has now been reproduced in a uniform colour scheme to represent the area of responsibility of the Joint Border Verification and Monitoring Mechanism.

3. As required by the Peace and Security Council and the Security Council, the safe demilitarized border zone will be established "in accordance with the November 2011 African Union High-level Implementation Panel map" and without prejudice to ongoing negotiations on the disputed areas (Peace and Security Council, para. 12 (iii); Security Council resolution 2046 (2012), para. 1 (iii)).

4. The African Union High-level Implementation Panel has now reproduced its November 2011 map, to include additional topographic detail, particularly of the Bahr el Arab/Kiir River, along which part of the centre line runs — this answers points of clarification raised by the Government of the Sudan in November 2011. The new representation of the November 2011 map also removes any depiction of the safe demilitarized border zone on the Abyei Area administrative boundary, as this area is covered by alternative arrangements under the 20 June 2011 Abyei Agreement.

5. The African Union High-level Implementation Panel would like to reiterate that the sole purpose of its map is to facilitate the establishment of the security mechanisms agreed by the two States, by depicting the physical area of the safe demilitarized border zone and the area of responsibility for the Joint Border Verification and Monitoring Mechanism, in order that the Border Monitoring Support Mission and cross-border corridors can be established. The map has no status beyond this.

Enclosure 3

Letter dated 7 June 2012 from the Lead Negotiator of the Government of the Sudan addressed to the Chair of the African Union High-level Implementation Panel

With reference your letter of 5 June 2012 regarding the issue of the security map for the safe demilitarized border zone, allow me at the outset to thank you for the prompt response regarding the issue, which is of great concern to the Government of the Sudan.

Your clarifications included, inter alia:

1. That the guideline of the border-line between the two countries is that of the 1 January 1956 border, and that the Panel has never adopted a position other than the inviolability of the 1 January 1956 line as the boundary between the two States, as stipulated in the Comprehensive Peace Agreement.

2. That the sole purpose of the map was to "indicate the centre line the parties could use to determine the safe demilitarized border zone, while they determine and demarcate the final boundary"; and that it was produced without prejudice to the final determination of the status of the disputed areas and the demarcation of the border between the two States.

3. That nothing said or done (with regard to the map) should be taken to suggest allocation of the 14 miles south of Bahr el Arab to South Sudan.

4. That it does not fall within the ambit of the work of the Joint Political and Security Mechanism, the inter-State body charged with the task to determine the coordinates of the safe demilitarized border zone.

Within this context, the Government of the Sudan would like to reiterate its position as that embodied in the letter of 17 November 2011, sent to the Panel by Bakri Hassan Salih, Minister of the Presidency of the Republic of the Sudan, conveying the position of the President of the Republic of the Sudan of the objection of the Government of the Sudan to the security map submitted by the Panel.

The claim that the United Nations Mission in the Sudan (UNMIS) discharged its responsibilities during the interim period, territorially, based on the notion that Bahr el Arab was under southern Sudan administration, is totally incorrect. Witness the map used by UNMIS which clearly shows otherwise (the UNMIS map was submitted to the African Union High-level Implementation Panel on a previous occasion).

We believe that the reason why Bahr el Arab was included in the security map as belonging to South Sudan was that Kriss Lackham and Alex De Waal of the secretariat maintained that the area was under the occupation of Government of South Sudan armed forces, thus creating a de facto reality. This is really telling. Moreover, it is indeed encouraging occupation of territories belonging to the other State to change the border-line by force, thus violating recognized principles of international law.

We reiterate our appreciation for the clarifications and assure you of our continuous cooperation with the Panel in this and other issues of the post-secession negotiation process.

(*Signed*) Idris M. Abdel **Gadir**
Lead Negotiator
Government of the Sudan

Enclosure 4

Letter dated 4 July 2012 from the Minister of Defence and Head of the delegation of the Sudan to the Joint Political and Security Mechanism addressed to the Chair of the African Union High-level Implementation Panel

1. We would like to express our thanks and appreciation to you and to the esteemed Panel for the letter dated 2 July 2012 concerning the African Union High-level Implementation Panel map. You may agree with us that this issue had continually and repeatedly come to the fore. We would like to seize this opportunity to restate, once again, our position in this regard, as follows.

2. We fully subscribe to the conviction that the map is drawn without prejudice to the final status of the joint common border. We have reconfirmed this position during the exchange of correspondence on the matter, and on several other occasions.

3. We would like, as well, to bring to your attention that your secretariat have informed us, during a bilateral meeting chaired by you that the reason why the disputed area known as 14 miles south of Bahr el Arab was drawn as such, is due to the fact that the area is under the occupation of Government of South Sudan forces. It is the salient principle of international law that occupation is an illegal act that confers no legal right whatsoever. Even temporary or provisional arrangements such as the determination of a security demilitarized zone can in no way be influenced by occupation.

4. The decision of the Joint Political and Security Mechanism (JPSM) in the first meeting it held in Khartoum, on 18 September 2012, entrusted the African Union High-level Implementation Panel with the preparation of an agreed map showing the 1 January 1956 border-line provided that the preparation be carried out with administrative boundaries in place of disputed areas.

5. The United Nations missions (United Nations Mission in the Sudan (UNMIS), African Union-United Nations Hybrid Operation in Darfur (UNAMID) and United Nations Mission in South Sudan (UNMISS)) have endorsed and used, for the execution of their temporary mandates, the map of 1 January 1956, notwithstanding that there was no agreement on some specific areas in the map, in other words, the five disputed areas. The United Nations Interim Security Force for Abyei (UNISFA), entrusted with a similar mandate, as well, presently applies the same map for the discharge of its mandate. Legally, the status quo shall be maintained until a settlement otherwise is arrived at. This is a cardinal principle of international law that has to be upheld. An added confirmation of this statement is the report of UNMIS and the Ceasefire Joint Military Committee (CJMC) and the minutes included therein signed by the representatives of the two Governments' forces.

6. The presence of the army of the Government of South Sudan in the 14 miles south of Bahr el Arab area, even to the north of the river, constitutes a flagrant violation of the Comprehensive Peace Agreement, and of the sovereignty and territorial integrity of the Sudan.

7. The concerned international and regional establishments, namely the United Nations and the African Union, are duty-bound to apply pressure and take necessary

action to secure the withdrawal of the Government of South Sudan from the above-mentioned area.

8. Failing this, the Government of the Sudan obviously has the right to maintain its legitimate right to preserve its territorial integrity and to end the occupation.

9. Once again, and in order to allay indefinitely any confusion that might arise surrounding our position, we would like to re-emphasize that our objection concerns the alteration of the status of the 14 miles south of Bahr el Arab area for the purpose of determining the security zone that does not prejudice the final settlement of the joint border.

(*Signed*) L. General (PSC) Engineer
Abdel Raheem Mohamed **Hussein**
Minister of Defence
Head of the delegation of the Sudan to the
Joint Political and Security Mechanism

Enclosure 5

Statement by the Government of the Republic of the Sudan in recognition of the Republic of South Sudan

[Khartoum, 8 July 2011]

In accordance with the recognition of the Government of the Sudan of the right of self-determination for the people of Southern Sudan and its acceptance of the outcome of the 9 January 2011 referendum and respecting the choice of the people of Southern Sudan to have their independent state.

The Republic of the Sudan declares:

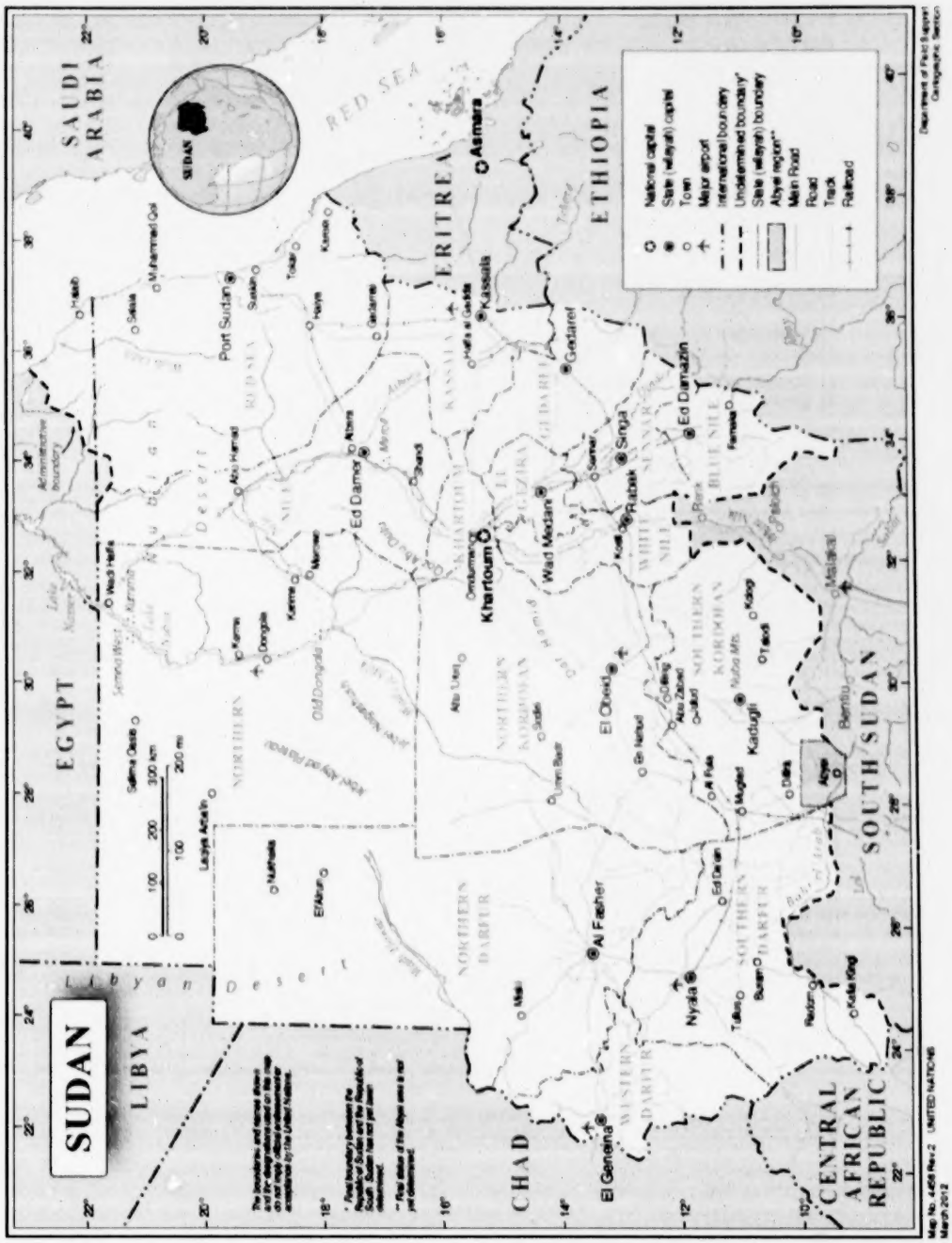
Its recognition of the establishment of the Republic of South Sudan as an independent and sovereign State as of 9 July 2011, in accordance with the existing boundaries between North and South Sudan as of 1 January 1956 and as they were when the Comprehensive Peace Agreement (CPA) was signed on 9 January 2005, and in accordance with the norms and principles of the international law that relates to the recognition of States.

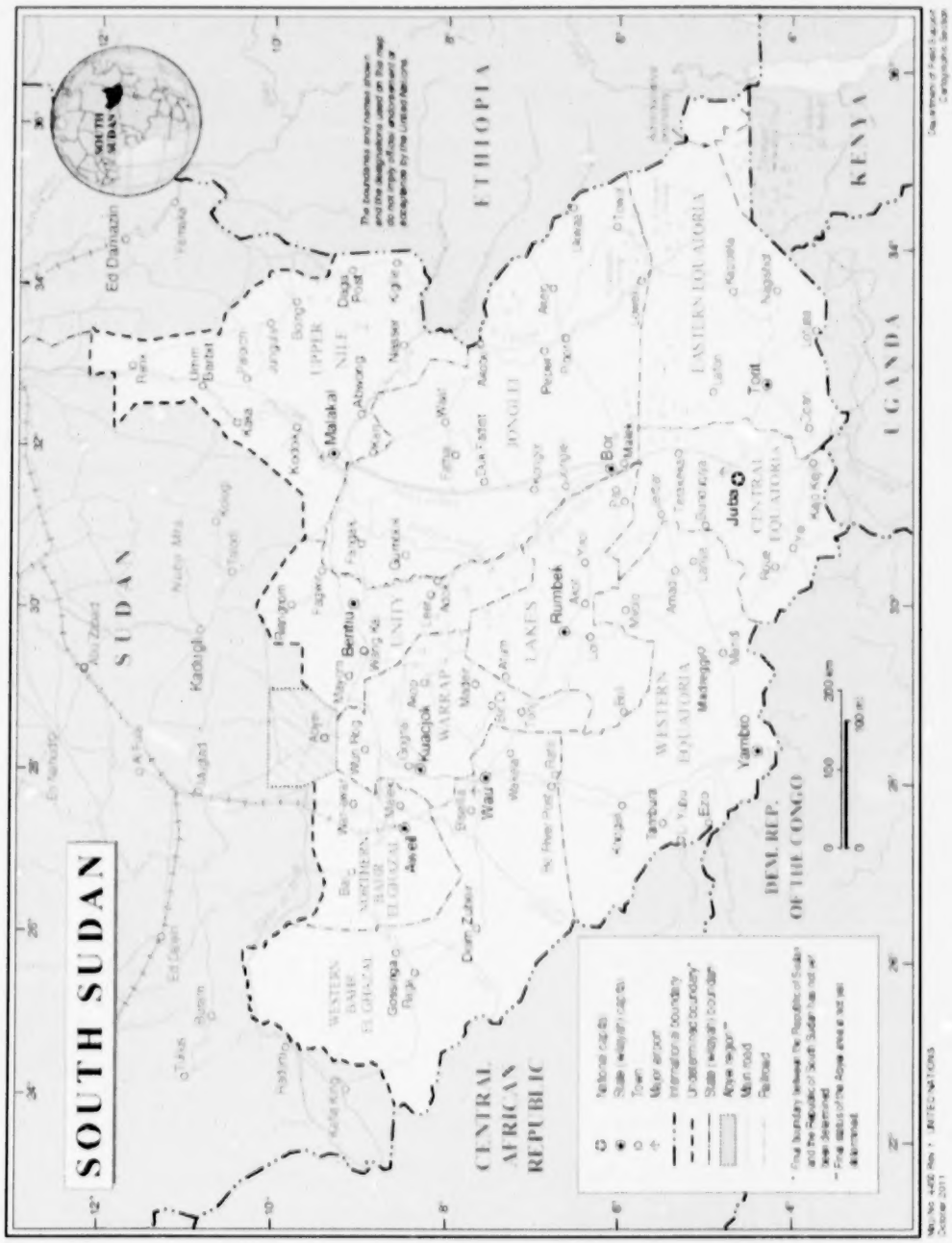
As the Republic of the Sudan expresses its wishes for the establishment of a stable, safe and prosperous state, it is looking forward to a special relationship with the Republic of South Sudan based on the historic relations that bound the peoples of the two countries, and in conformity with the values of international cooperation, bilateral respect and good neighbourliness. The Republic of the Sudan reiterates its commitment to settle all the remaining issues stemming from the Comprehensive Peace Agreement and the post-secession through negotiation, dialogue and cooperation aiming at a brighter future whereby the people of the two countries enjoy peace, development and stability.

As the Republic of the Sudan hereby recognizes the establishment of the Republic of South Sudan, it calls upon the Government of the Republic of South Sudan to recognize the treaties and agreements entered into by the Republic of the Sudan, whether bilateral, regional or international.

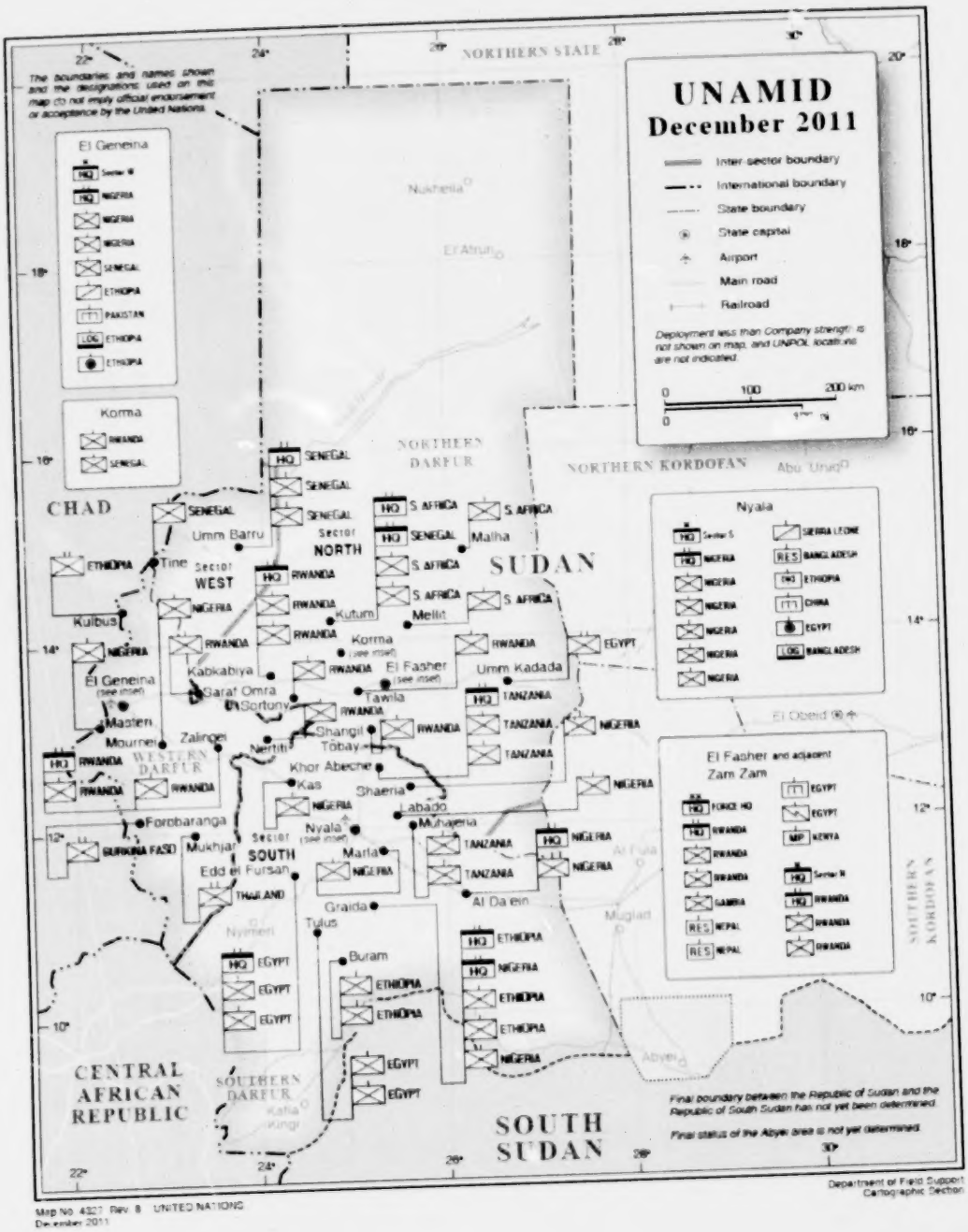
Enclosure 6

Maps of the Sudan and South Sudan submitted by the Sudan




SOUTH SUDAN
SUDAN
ETHIOPIA
KENYA
UGANDA
CENTRAL AFRICAN REPUBLIC
DEM. REP. OF THE CONGO
Juba
Malakal
Bentiu
Rumbek
Bor
Wau
Aweil
Yambio
Torit
Kuajok
Renk
Ed Damazin
Kadugli
Nyala
Gos Beida
Am Timan
Abyei region
Main road
Railroad
Town
Major airport
International boundary
Undetermined boundary
State (wilayah) boundary
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

UNMISS
March 2012
SUDAN
SOUTH SUDAN
ETHIOPIA
CENTRAL AFRICAN REPUBLIC
DEM. REP. OF THE CONGO
UGANDA
KENYA
Ed Damazin
Kadugli
Nuba Mts.
Juba
Malakal
Bentiu
Rumbek
Bor
Wau
Aweil
Kuacjok
Leer
Akop
Yirol
Kongor
Jonglei
Pibor
Torit
Yei
Maridi
Yambio
Tambura
Li Yubu
Ezo
Khogali
Boli
Melo
Lakes
Warrap
Western Bahr el Ghazal
Northern Bahr el Ghazal
Western Equatoria
Central Equatoria
Eastern Equatoria
Upper Nile
Jonglei
Unity
Abyei region**
National capital
State (wilayah) capital
Town
Major airport
International boundary
Undetermined boundary*
State (wilayah) boundary
Sector boundary
Temporary Ops Base
Main road
Railroad
0 100 200 km
0 100 mi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
* Final boundary between the Republic of Sudan and the Republic of South Sudan is not yet determined.
** Final status of the Abyei area is not yet determined.
Map No. 4456 Rev. 02 UNITED NATIONS
March 2012
Department of Field Support
Cartographic Section


UNAMID
December 2011
Inter-sector boundary
International boundary
State boundary
State capital
Airport
Main road
Railroad
Deployment less than Company strength is not shown on map, and UNPOL locations are not indicated.
0 100 200 km
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
NORTHERN STATE
NORTHERN DARFUR
NORTHERN KORDOFAN
SUDAN
CHAD
CENTRAL AFRICAN REPUBLIC
SOUTH SUDAN
SOUTHERN DARFUR
SOUTHERN KORDOFAN
WESTERN DARFUR
Nukheila
El Atrun
Abu Uruq
Umm Barru
Tine
Kulbus
El Geneina
Masteri
Mourne
Zalingei
Forobaranga
Mukhjar
Edd el Fursan
Nyala
Kutum
Malha
Mellit
Korma
El Fasher
Umm Kadada
Kabkabiya
Sarafa Omra
Sortony
Tawila
Sharigil
Tobay
Nertiti
Khor Abeche
Kas
Shaeria
Labado
Muhajeria
Marla
Graida
Tulus
Buram
Al Da ein
Mugiari
Nyala
El Fasher and adjacent Zam Zam
El Obeid
Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.
Final status of the Abyei area is not yet determined.
Map No. 4327 Rev. 8 UNITED NATIONS
December 2011
Department of Field Support
Cartographic Section

Enclosure 7

Report dated 28 January 2010 of the subcommittee charged with reconciling documents with maps

[Original: Arabic]

Technical Committee charged with demarcating the 1 January 1956 borders between northern and southern Sudan

Report of the subcommittee charged with reconciling documents with maps

Mandate

1. The six-person subcommittee charged with reconciling documents with maps was formed at the direction of the Chair of the Technical Committee charged with demarcating the 1 January 1956 border, in agreement with the Vice-Chair, the representative of the Government of South Sudan, on 10 November 2009.

2. The six-person subcommittee was made up of the following members:

1.	Colonel/Engineer Amin Muhammad Banaga	Chair
2.	Engineer James Lah Ajariel	Member
3.	Engineer Khalid Muhammad Uthman	Member
4.	Professor Joshua Awthor Akol	Member
5.	Mawlana Darwish Garang Wol	Member
6.	Mawlana Doctor Ma'adh Ahmad Muhammad Tango (Mr. Abu Talib al-Shaykh al-Nur represented Mawlana Doctor Ma'adh at all the meetings)	Member

3. The subcommittee's task was to examine non-map documents, classify them in accordance with the five areas as described on the maps, determine the extent to which they conformed to the maps, and identify those points of difference where applicable.

4. The subcommittee was to submit a report to the Technical Committee within 10 days of its formation.

Workplan

5. The subcommittee met intensively at the rate of twice a day at the headquarters of the commissions in Khartoum to carry out the task described in paragraph 3 above.

6. The subcommittee requested the members of the Technical Committee, through its secretariat, to provide any documents in their possession that might help the subcommittee carry out the task entrusted to it.

Work guidelines

7. The subcommittee adopted the following guidelines:

(a) It would identify and classify documents in accordance with their bearing on the areas and critical dates.

(b) It would organize the documents by area and relevant maps.

(c) It would determine the extent to which the maps were in general agreement with the documents.

(d) It would verify precise conformity on the basis of satellite photos after its report was approved by the Technical Committee.

(e) If no Gazette entry or other record was available, the subcommittee would recommend in its report adoption of the demarcation described in the maps.

(f) It would identify and certify points of agreement and difference between the documents and the maps.

(g) Subcommittee members reserved the right to express their opinions regarding the documents in the course of any deliberations by the Technical Committee.

Gazette entries and documents that were consulted

8. The subcommittee reviewed decisions, agreements and Gazette entries that touched on the five areas as demarcated and agreed to in the maps. A total of 11 Gazette entries and seven agreements were identified as relevant.

9. The relevant Gazette entries were as follows:

	Gazette No.	*Date*	*Page No.*	*Gazette entry*	*Summary*
1	227	28 December 1912	734	Establishment of the Nuba Mountains Province	
2	386	15 December 1921	1512	Administrative boundary between the Upper Nile and the Nuba Mountains Provinces	On the Tonga-Talodi road, at Khor Ragaba, 22 miles northeast of Tonga
3	395	15 May 1922	1568-1569	Adjustment of Kordofan-Nuba Mountains province boundary	Adjustment of Kordofan-Nuba Mountains province boundary, described by geographical features
4	414	30 April 1923	1808	Transfer of Kaka from Upper Nile Province to the Nuba Mountains Province	Kaka town is attached to Rashad District for administrative purposes
5	480	15 September 1926	253	Transfer of Tonga Town and Morada from Upper Nile Province to Nuba Mountains Province	Tonga Town and Morada will be transferred from Upper Nile Province to Nuba Mountains Province with effect from 1 January 1927, and will be attached to the Southern District of Nuba Mountains Province

	Gazette No	*Date*	*Page No*	*Gazette entry*	*Summary*
6	489	15 March 1927	59-60	Provincial boundaries	Description of the border between the Nuba Mountains Province and Upper Nile Province in consequence of the transfer of the Dinka and Nuers from the Nuba Mountains Province to Upper Nile Province
7	511	21 December 1928	378	Kordofan-Nuba Mountains Provinces Amalgamation	Amalgamation of Kordofan and Nuba Mountains Provinces into a single province to be referred to as Kordofan Province, with effect from 1 January 1929, including distribution and nomenclature of districts
8	511	21 December 1928	378	Transfer of Tonga Town and Morada from the Nuba Mountains Province to the Upper Nile Province	Transfer Tonga Town and Morada from the Nuba Mountains Province to the Upper Nile Province, with effect from 1 January 1929, to be attached to the central district of Upper Nile Province
9	546	15 May 1931	115	Border alteration	As a result of the transfer of sections of Dinka from Kordofan to Upper Nile Province, alteration of the boundary between those two provinces, described according to coordinates and geographical features
10	598	15 August 1934	177-178	Boundary between Western Jebels and Eastern Jebels Districts, Kordofan Province	This was an internal border demarcation, and has no bearing on the 1 January 1956 borders
11	663	15 June 1938	118	Renaming of Shilluk District	It was renamed "Northern District"

10. The relevant agreements and correspondence were as follows:

	Date	*No.*	*Topic*	*Summary*
1	22 April 1924		Munroe-Wheatley Agreement	Borders between the Rzeigat and Dinka Malual, and the grazing lands and hunting grounds of the two tribes
2	11 February 1931	Dr.P/8.A.2	Letter from the Governor of Darfur to the Administrative Secretary	Regarding the request of the Governor of Bahr el Ghazal to rescind the Munroe-Wheatley Agreement on the grounds that it would lead to armed conflict
3	25 February 1931	CS/16.3.1/4	Letter from the Administrative Secretary to the Governors of Darfur and Bahr el Ghazal	Continuation in force of the 1924 Munroe-Wheatley Agreement
4	23 January 1941	–	Meeting between the Deputy Administrative Secretary and the Governors of Darfur and Bahr el Ghazal in Khartoum	1. Continuation in force of the 1924 Munroe-Wheatley Agreement 2. Buruk map showing borders of grazing and hunting lands
5	17 October 1930	Dr.P/16.A.7	Letter from the Governor of Darfur to the Governor of Bahr el Ghazal	Purpose: administrative arrangements pursuant to the abolition of the Kafia Kingi district
6	7 November 1930	B.G.P/16.A.2	Letter from the Governor of Bahr el Ghazal to the Governor of Darfur	Response to the letter from the Governor of Darfur concerning the abolition of the Kafia Kingi district
7	15 January 1931	–	Transcript of the Abu Sal`ah meeting	Discussion of the transfer of the Mandala tribes from West Bahr el Ghazal district to Darfur

Reconciling of maps with Gazette entries and agreements

11. The subcommittee compared the documents and agreements with the maps used by the map committee, after classifying them in accordance with the five areas.

12. The results of the comparisons between maps and documents are as follows, starting from the west:

South Darfur and West Bahr el Ghazal

13. The middle part of this area, which spans the Bahr el Arab river, is covered by the entire Buram map (65-E, October 1937) and the western section of the Abu Matariq map (65-F, July 1936). No relevant document or Gazette entry was found.

14. The eastern part of this area is covered by the eastern section of the Abu Matariq map and the western section of the Niyam Layl map (65-J, May 1936). The Munroe-Wheatley Agreement was found to be in general agreement with the details in these maps.

South Darfur and North Bahr el Ghazal

15. This area is covered entirely by the eastern section of the Niyam Layl map and the western section of the Abyei map (65-K, July 1936). The details in these maps were found to be in general conformity with the Munroe-Wheatley Agreement.

South Kordofan and North Bahr el Ghazal

16. Most of this area, which extends east from its border with Darfur to a point between Dabbat Karmah and Dabbat Manjuk, is covered by the eastern section of the Abyei map and the western section of the Ghabat al-Arab map. This area is described only in the maps.

17. For a small portion of this area, the description in Gazette No. 546 of 15 May 1931 of the transfer of sections of Dinka Rueng from Kordofan to Upper Nile were found to be in general conformity with the map. The portion in question is approximately 22 km in length.

South Kordofan and Unity

18. This area is completely covered in Gazette No. 546 of 15 May 1931, which details the transfer of Dinka Rueng tribes to Upper Nile, and describes the border by referencing coordinates and geographical features.

19. This area is also covered by four 1:250000-scale maps: the eastern section of the Ghabat al-Arab map (June 1936), the Kaylak Lake map (65-H, May 1937), the Talodi map (66-E, October 1937), and the western portion of the Naw Lake map (66-I, December 1936).

20. The details of the description in the Gazette referred to in paragraph 18 were found to be in general conformity with the details of the four maps referred to in paragraph 19.

South Kordofan and Upper Nile

21. There is a small section of this area, approximately 12 km in length, described by the Gazette entry referred to in paragraph 18, the details of which were found to be in general conformity with the corresponding section of the Naw Lake map (66-I, December 1936).

22. The remaining section of the border is found in the eastern section of the Naw Lake map, the Malakal map (66-J, June 1940), the Malut map (66-F, February 1935) and the Rank map (66-B, December 1936). The demarcation of this section of border depends solely on the aforementioned maps.

23. Gazette No. 414 of 30 April 1923 covers the transfer of the city of Kaka from Upper Nile Province to Kordofan Province. Nothing was found in the maps to corroborate this Gazette entry.

The Technical Committee

(*Signed*)

1.	Dr. Abdullah al-Sadiq Ali	Chair
2.	Colonel/Engineer Rik Degol	Member
3.	Mr. Abu Talib al-Shaykh al-Nur	Member
4.	Amir Hiraykah Izz al-Din Humaydah	Member
5.	Engineer/Counsellor Abbas Muhammad Khayr	Member
6.	Dr. Bukhari Abdullah al-Ja'ali	Member
7.	Dr. Ma'adh Ahmad Muhammad Tango	Member
8.	Police General Haydar Hasan Taha	Member
9.	Colonel/Engineer Amin Muhammad Banaga	Member
10.	Engineer James Lah Ajariel	Member
11.	Engineer Musa al-Sharif Muhammad	Member
12.	Engineer Khalid Muhammad Uthman	Member
13.	Dr. Joshua Awthor Akol	Member
14.	Mr. Shol Deng Dakir	Member
15.	Engineer Abdullah Ibrahim Babikr	Member
16.	Mr. Muhammad Wuda'at Allah Mufji	Member
17.	Mr. John Gaylalul	Member
18.	Mr. Darwish Garang Wol	Member

Attachment:

1. Explanatory map showing agreements and differences

Attachment to enclosure 7

Map attached to the report of the Boundary Committee shows the international boundary to the south of Bahr el Arab